

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

El.Pet.No. 9 of 2022

Oinam Nabakishore Singh

...Petitioner/s

Vs.

Konthoujam Govindas Singh & anr.

...Respondent/s

**B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

11-01-2023

Heard Mr. N. Ibotombi, learned senior counsel assisted by Ms. Babina, learned counsel appearing for the petitioner; Mr. A. Mohendro, learned counsel assisted by Mrs. L. Ayangleima, learned counsel for respondent No. 1 and Mr. L. Shashibhushan, learned counsel for respondent No. 2.

After hearing the submissions advanced by the learned counsel appearing for the parties and after careful perusal of the pleadings of the parties, the following issues are framed :-

1. Whether the respondent No. 1 deliberately and falsely mentioned his age as 56 years instead of 58 years in the Form 26 Affidavits filed by him in the 12th General Election to the Manipur Legislative Assembly from 26-Bishenpur Assembly Constituency and whether giving of such false information will render the Nomination Paper of respondent No. 1 invalid or not?
2. Whether the respondent No. 1 deliberately and falsely mentioned the year of passing BA from the Manipur University as 1985

instead of 1984 and whether giving such false information will render the Nomination Paper of respondent No. 1 invalid or not?

3. Whether the respondent No. 1 intentionally and deliberately failed to disclose the agricultural land, measuring 0.62 acres under Dag No. 14, Patta No. 965 in 44-Ningthoukhong Kha recorded in the name of his wife, Konthoujam Rajni Devi in the Form 26 Affidavits dated 03-02-2022 and 05-02-2022 filed along with his Nomination Paper in the 12th General Election to the Manipur Legislative Assembly from 26-Bishenpur Assembly Constituency and whether non disclosure of such material information or withholding of such information will render the Nomination paper filed by the respondent No. 1 invalid or not ?
4. Whether the respondent No. 1 deliberately and falsely mentioned the Details of Immovable Assets in Form 26 Affidavits dated 03-02-2022 and 05-02-2022 filed along with his Nomination Paper in the 12th General Election to the Manipur Legislative Assembly from 26-Bishenpur Assembly Constituency that he purchased 2.25 acres of agricultural land on 21-02-2018 in 38-Bishenpur Kha under Dag No. 3264/4127, Patta No. 5/740 instead of the actual areas of the land i.e., 1.25 acres and whether giving of such false information will render the Nomination Paper of respondent No. 1 invalid or not?
5. Whether the respondent No. 1 deliberately and falsely mentioned in the Form 26 Affidavits dated 03-02-2022 and 05-02-2022 filed

along with his Nomination Paper in the 12th General Election to the Manipur Legislative Assembly from 26-Bishenpur Assembly Constituency that he owns a piece of land measuring 54014 sq. ft.(1.24 acres) at 43-Ningthoukhong Under Dag No. 1471, Patta No. 109, 136 instead of the actual area of the land i.e., 2.66 acres as recorded in the relevant Jamabandi and that the said land is jointly owned by him and one Konthoujam Krishnakumar Singh and whether giving of such false information or non disclosure of material information will render the Nomination Paper of respondent No. 1 invalid or not?

6. Whether the respondent No. 1 intentionally and deliberately failed to disclose in the Form 26 Affidavits dated 03-02-2022 and 05-02-2022 filed along with his Nomination Paper in the 12th General Election to the Manipur Legislative Assembly from 26-Bishenpur Assembly Constituency that he jointly owned a piece of land measuring 54014 sq.ft.(1.24 acres) at 43-Ningthoukhong under Dag No. 1471, Patta No. 109, 136 with one Konthoujam Krishnakumar Singh in the Column 7 B (ii) Non-agricultural land and whether such non disclosure would render the Nomination Paper of respondent No. 1 invalid or not?
7. Whether the respondent No. 1 deliberately gave false information that his spouse purchased a piece of agricultural land measuring 0.09 acres instead of the actual area of the land i.e., 0.045 acres located in 44-Ningthoukhong, under Dag No. 2016/3736 and

Patta No. 525,372/2143 on 01-10-2015 in the Form 26 Affidavits dated 03-02-2022 and 05-02-2022 under column “Details of Immovable Assets” at Sl. No. 7 B (i) 4, Agricultural land filed by him along with his Nomination Paper in the 12th General Election to the Manipur Legislative Assembly from 26-Bishenpur Assembly Constituency and whether giving of such false information will render the Nomination Paper of respondent No. 1 invalid or not?

8. Whether the respondent No. 1 intentionally and deliberately failed to disclose at Column (7) B (ii) in Form 26 Affidavits dated 03-02-2022 and 05-02-2022 filed along with his Nomination Paper in the 12th General Election to the Manipur Legislative Assembly from 26-Bishenpur Assembly Constituency that his spouse owned a land measuring 0.09 acres located in 44-Ningthoukhong, under Dag No. 2016/3736 and Patta No. 525, 372/2143 on 01-10-2015 and whether such non disclosure of the material information will render the Nomination Paper of respondent No. 1 invalid or not?
9. Whether the respondent No. 1 deliberately gave false information under Column “Details of Immovable Assets” at Sl. No. (7) B (i) 6, agricultural land in the Form 26 Affidavits dated 03-02-2022 and 05-02-2022 filed by him along with his Nomination Paper in the 12th General Election to the Manipur Legislative Assembly from 26-Bishenpur Assembly Constituency that his spouse

purchased a piece of land measuring 0.732 acres instead of the correct share of his spouse i.e., 0.62 acres under Dag No. 2060, and Patta No. 321/367 in 42-Potshangbam on 28-03-2014 and whether giving of such false information will render the Nomination Paper of respondent No. 1 invalid or not?

10. Whether the respondent No. 1 intentionally and deliberately failed to disclose in form 26 Affidavits dated 03-02-2022 and 05-02-2022 filed along with his Nomination Paper in the 12th General Election to the Manipur Legislative Assembly from 26-Bishenpur Assembly Constituency that a piece of land measuring 0.7325 (as stated in Affidavits) under Dag No. 2060, and Patta No. 321/367 in 42-Potshangbam on 28-03-2014 is jointly owned with three other co-pattadars and whether such non disclosure will render the Nomination Paper of respondent No. 1 invalid or not?

11. Whether the respondent No. 1 intentionally and deliberately failed to disclose under the Column “Details of Immovable Assets” at Sl. No. (7)B(i)11, Agricultural Land in Form 26 Affidavits dated 03-02-2022 and 05-02-2022 filed by respondent No. 1 along with his Nomination Paper in the 12th General Election to the Manipur Legislative Assembly from 26-Bishenpur Assembly Constituency that a piece of land measuring 0. 67 acres under Dag No. 1242 and Patta No. 227/551 in 43-Ningthoukhong is jointly owned by his spouse with one

Konthoujam Girishkumar Singh and also falsely gave the area of the said land and whether such non disclosure of the material information will render the Nomination Paper of respondent No. 1 invalid or not?

12. Whether the respondent No. 1 intentionally and deliberately failed to disclose in Column "Details of Immovable Assets" at Sl. No. 7 B (ii) non agricultural land in form 26 Affidavits dated 03-02-2022 and 05-02-2022 filed by respondent No. 1 along with his Nomination Paper in the 12th General Election to the Manipur Legislative Assembly from 26-Bishenpur Assembly Constituency that a piece of land measuring 4138 sq.ft. (0.09499 acres) under Dag No. 2016/3736, Patta No. 525,372/2143 and Dag No. 3079, Patta No. 525,355/2764 in 44-Ningthoukhong are two separate pieces of land recorded in the name of his spouse and whether such non disclosure of the material information will render the Nomination Paper of respondent No. 1 invalid or not?

13. Whether the respondent No. 1 intentionally and deliberately gave the false statement under Column "Details of Assets" at Sl. No. (7) B (iii)1, Commercial Buildings in Form 26 Affidavits dated 03-02-2022 and 05-02-2022 filed by respondent No. 1 along with his Nomination Paper in the 12th General Election to the Manipur Legislative Assembly from 26-Bishenpur Assembly Constituency that his spouse had a piece of land measuring 0.366 acres under Dag No. 96/643, Patta No. 85/96/516 in 84-Sangaiprou

instead of stating that the said land is jointly owned by Rajkumar Sanatomba Singh, Girija Konthoujam and Keisham Rameshore Singh and whether giving such false information will render the Nomination Paper of respondent No. 1 invalid or not?

14. Whether the respondent No. 1 intentionally and deliberately gave the false statement under Column “Details of Assets” at Sl. No. (7) B (iii)1, Commercial Buildings in Form 26 Affidavits dated 03-02-2022 and 05-02-2022 filed by respondent No. 1 along with his Nomination Paper in the 12th General Election to the Manipur Legislative Assembly from 26-Bishenpur Assembly Constituency that his spouse had a piece of land measuring 8712 sq.ft.(0.20 acres) under Dag No. 643/733, Patta No. 516/590 in 84-Sangaiprou instead of stating that the said land is jointly owned by Keisham Rajni Devi, Khwairakpam Tomba Singh, Khwairakpam Ongbi Rasheshori Devi and Keisham Rameshori Devi and whether giving such false information will render the Nomination Paper of respondent No. 1 invalid or not?

15. Whether the petitioner is entitled to be declared as elected member to the 12th Manipur Legislative Assembly Election from 26-Bishenpur Assembly Constituency?

16. Whether the information given by the respondent No. 1 in form 26 Affidavit filed by him substantially complied with the provisions of the Representation of Peoples Act, 1950 or not?

17. Whether the petitioner has pleaded in the Election petition concise statement of material facts which will materially affect the result of the election of the returned candidate so as to attract Section 100 and 101 of the Representation of People Act, 1951?
18. Whether material particulars of the allegations and grounds stated in the Election Petition constitute triable causes?
19. Whether the election petition not based on corrupt practice or without allegation of corrupt practice is maintainable under the Representation of Peoples Act, 1951?
20. Whether the election petition in the present form is maintainable or not ?
21. Whether the election of the respondent No. 1 as member of the 12th Manipur Legislative Assembly Election from 26-Bishenpur Assembly Constituency is liable to be declared null and void?
22. Whether there is any cause of action for filing the present writ petition?
23. Whether the petitioner is entitled to the reliefs claimed for?

As prayed for by the learned counsel appearing for the parties, list this case again on 16-01-2023.

JUDGE

Dhakeshori